

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Myron Cannon,)	
)	C/A No.: 0:06-0994-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Troy Jones, Officer; Johnny Sapp,)	
Captain; Dillon County Sheriff; Dillon)	
County Detention Center,)	
)	
Defendants.)	
)	

Plaintiff Myron Cannon is a pretrial detainee at the Dillon County Detention Center in Dillon, South Carolina. Plaintiff, appearing pro se, brings this complaint pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights have been violated in certain respects.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. The Magistrate Judge issued a Report and Recommendation on April 5, 2006 in which he recommended that the complaint be summarily dismissed as to Defendants Johnny Sapp, Dillon County Sheriff, and Dillon County Detention Center. The Magistrate Judge recommended that the complaint be served on Defendant Troy Jones. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28

U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. The case is summarily dismissed without prejudice and without issuance and service of process as to Defendants Johnny Sapp, Dillon County Sheriff, and Dillon County Detention Center. As the Magistrate Judge noted, service of process has been authorized as to Defendant Troy Jones. The within action is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

May 4, 2006

Columbia, South Carolina